

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/690,816 Confirmation No. 5432  
Applicant : David Andrew Matthews, et al.  
Filed : 10/23/2003  
Title : USER INTERFACE MENU WITH HOVERING ICONS  
Group Art Unit : 2173  
Examiner : Haoshian Shih  
Docket No. : 306210.01/MFCP.139203  
Customer No. : 45809

**VIA EFS – Oct. 24, 2011**

Mail Stop RCE  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR ONE-MONTH EXTENSION OF TIME, REQUEST FOR CONTINUED EXAMINATION (RCE), AND AMENDMENT**

It is hereby requested that the time period for responding to the outstanding Office Action mailed July 5, 2011 be extended for one month, or to Nov. 5, 2011. Applicants also respectfully request continued examination of the above-identified application, in accordance with the requirements for submission under 37 CFR 1.114(c) and MPEP 706.07(h), Sec. II. The required fees for the extension of time and the RCE are being electronically submitted herewith. In response to the final Office Action mailed July 5, 2011, please amend the above-identified application as follows:

**Amendments to the Claims:** begin on page 2 of this paper.

**Remarks:** begin on page 11 of this paper.

## **AMENDMENTS TO THE CLAIMS**

Claims 1, 13, 19, and 30 have been amended. No claims have been added or canceled. Claims 1-24 and 30-31 remain pending. This listing of claims will replace all prior versions, and listings, of claims in the application.

### **Listing of Claims**

1. (Currently Amended) A computer system having processor, memory, and data storage subsystems, and a computer generated graphical user interface (GUI) for accepting user input commands, the computer generated GUI comprising:

a first area containing a compact listing of menu items, the first area further comprising:

an operating system (OS) specific function section which provides access only to OS specific functions, and comprises a first OS subsection consisting of [[all]] commonly accessed OS specific menu items of the computer generated GUI; and

an application program (AP) specific function section which provides access only to AP specific functions, and comprises a first AP subsection consisting of [[all]] commonly accessed AP specific menu items of the computer generated GUI and a completely separate second AP subsection that expands to provide access to all single AP menu item expanding access only to other AP specific menu items,

wherein the OS specific function section is grouped completely separately from the AP specific function section; and

a second area separated from the first area, the second area including that  
~~includes~~ an icon selected from a set of icons based on a location of a pointer  
relative to an associated OS specific menu item, wherein a subsequent selected  
icon will replace the selected icon upon a subsequent location of the pointer  
relative to a subsequent associated OS specific menu item;

wherein the GUI is part of an operating system shell.

2. (Original) The computer generated graphical user interface of claim 1  
wherein the first area is a start menu.

3. (Original) The computer generated graphical user interface of claim 2  
wherein the icon is an animated icon.

4. (Previously Presented) The computer generated graphical user  
interface of claim 3 wherein the animated icon appears as hovering over at least a portion of the  
second area.

5. (Original) The computer generated graphical user interface of claim 3  
wherein the animated icon is three-dimensional in appearance.

6. (Previously Presented) The computer generated graphical user  
interface of claim 4, wherein the hovering of the animated icon comprises a three-dimensional  
appearing object located in the operating system shell.

7. (Original) The computer generated graphical user interface of claim 4  
wherein the animated icon further appears reflected in the start menu to give a further three-  
dimensional hovering effect.

8. (Original) The computer generated graphical user interface of claim 7 wherein the animated icon appears as rocking from side-to-side.

9. (Previously Presented) The computer generated graphical user interface of claim 7 wherein the animated icon rotates in response to real-time movement of the pointer.

10. (Original) The computer generated graphical user interface of claim 3 wherein the animated icon is contextually related to an item in the start menu over which the pointer is located.

11. (Original) The computer generated graphical user interface of claim 10 wherein the contextually related animated icon provides an indication of an action that will occur if the menu item is selected.

12. (Original) The computer generated graphical user interface of claim 2 wherein the icon is located immediately adjacent to the start menu.

13. (Currently Amended) A computer-implemented method using processor, memory, and data storage subsystems for providing visual feedback in a graphical user interface (GUI) having a menu comprising a compact listing of displayed menu items, each menu item being associated with an icon different in appearance from the associated menu item, comprising the steps of:

receiving a first user input that causes a pointer to be located over an operating system (OS) section, the OS section providing access only to OS specific functions, the OS section consisting of [[all]] commonly accessed OS

specific menu items of the GUI and a single OS menu item expanding access only to all ~~other~~ OS specific menu items;

in response to the first user input, displaying in a first distinct area of the GUI an icon associated with that OS specific menu item located by the first user input, wherein movement of the icon associated with that OS specific menu item is generated in real time in response to movement of the pointer;

receiving a second user input that causes the pointer to be located over an application program (AP) section, the AP section providing access only to AP specific functions, the AP section consisting of ~~[[all]]~~ commonly accessed AP specific menu items of the GUI and a single AP menu item expanding access only to all ~~other~~ AP specific menu items; and

in response to the second user input, displaying in a second distinct area of the GUI an icon associated with that AP specific menu item located by the second user input;

wherein:

movement of the icon associated with that AP specific menu item is generated in real time in response to movement of the pointer;

the first distinct area and the second distinct area do not overlap the OS or AP menu item located by the first or second user input, respectively;

the GUI is part of an operating system shell organized into a tree-structural hierarchy;

the associated icon provides an indication of an action that will occur if the displayed OS or AP menu item is selected; and

the OS section is grouped completely separately from the AP section.

14. (Previously Presented) The computer-implemented method of claim 13 wherein the icon is an animated icon.

15. (Previously Presented) The computer-implemented method of claim 14 wherein the menu is a start menu.

16. (Previously Presented) The computer-implemented method of claim 15 wherein the animated icon is contextually related to the animated icon's associated menu item in the start menu.

17. (Previously Presented) The computer-implemented method of claim 14 wherein the displaying step further comprises:

an introduction animation element that causes the animated icon to move and flip;

a looping animation; and

an ending animation that changes the icon back to its original appearance.

18. (Previously Presented) The computer-implemented method of claim 14 wherein the animated icon is a predefined object type in a shell namespace, wherein the shell namespace organizes a file system of the operating system shell into a single tree-structured hierarchy.

19. (Currently Amended) One or more computer-readable storage media having computer readable instructions embodied thereon that, when executed by a computing device, perform a method of providing visual feedback in a graphical user interface (GUI), the method comprising:

providing a menu, comprising a compact listing of displayed menu items, wherein each of the displayed menu items is associated with an icon located apart from the associated displayed menu item, the menu further comprising:

an operating system (OS) section which provides access only to OS specific functions, the OS section comprising a first OS subsection consisting of ~~[[all]]~~ commonly accessed OS specific menu items of the GUI and a second OS subsection that expands single OS menu item expanding access only to all other OS specific menu items; and

an application program (AP) section which provides access only to AP specific functions, the AP section comprising a first AP subsection consisting of ~~[[all]]~~ commonly accessed AP specific menu items of the GUI and a second AP subsection that expands single AP menu item expanding access only to all other AP specific menu items,

wherein the OS section is grouped completely separately from the AP section;

receiving user input that causes a pointer to be located over one of the displayed menu items; and

in response to the user input, displaying the icon associated with the pointer-located displayed menu item in a distinct area of the GUI;

wherein the distinct area does not overlap the pointer-located displayed menu item; and

wherein the GUI is part of an operating system shell.

20. (Previously Presented) The computer readable storage media of claim 19 wherein the icon is an animated icon.

21. (Previously Presented) The computer readable storage media of claim 20 wherein the menu is a start menu.

22. (Previously Presented) The computer readable storage media of claim 21 wherein the animated icon is contextually related to the animated icon's associated menu item in the start menu.

23. (Previously Presented) The computer readable storage media of claim 20 wherein the displaying step further comprises:

an introduction animation element that causes the animated icon to move and flip;

a looping animation; and

an ending animation that changes the icon back to its original appearance.

24. (Previously Presented) The computer readable storage media of claim 20 wherein the animated icon is a predefined object type in the operating system shell.

25-29. (Cancelled)



30. (Currently Amended) One or more computer readable storage media containing computer readable instructions embodied thereon that, when executed by a computing device, provide as part of an operating system shell, a computer generated graphical user interface (GUI) for accepting user input commands, said GUI comprising:

a pointer for selecting menu items and icons;

a start menu divided into a compact listing of discrete sections, a first discrete operating system (OS) specific function section that provides access only to OS specific functions consisting of ~~[[all]]~~ commonly accessed OS ~~operating system (OS)~~ specific menu items of the GUI and a single OS menu item expanding access only to all ~~other~~ OS specific menu items, the first discrete OS specific function section grouped separately from a second discrete application program (AP) specific function section consisting of ~~[[all]]~~ commonly accessed AP ~~application program (AP)~~ specific menu items of the GUI and a single AP menu item expanding access only to all ~~other~~ AP specific menu items; and

an animated three-dimensional appearing icon that moves side-to-side so that a user can see the edges rotating, and the animated three-dimensional appearing icon changes appearance based on the OS menu item or the AP menu item over which the pointer is located, wherein the animated three-dimensional appearing icon is displayed in a different, non-overlapping discrete section from the corresponding OS menu item or the AP menu item;

wherein the animated three-dimensional appearing icon provides an animated indication of a first action that will occur if a first OS or AP menu item is selected, and further morphs into a second appearance when the pointer moves

over a second OS or AP menu item to provide an animated indication of a second action that will occur if the second OS or AP menu item is selected.

31. (Previously Presented) The computer readable storage media of claim 30 wherein the three-dimensional appearing icon moves side to side in response to a real-time movement of the pointer.

### **REMARKS**

Applicants respectfully request reconsideration of the present application. Claims 1, 13, 19, and 30 have been amended. No claims have been added or canceled. Care has been exercised to introduce no new matter. Claims 1-24 and 30-31 remain pending and are believed to be in condition for allowance.

### **Rejections based on 35 U.S.C. § 112**

Claims 1, 13, 19, and 30 were rejected under 35 U.S.C. 112, first paragraph, as ostensibly failing to comply with the written description requirement. Applicants respectfully traverse said rejection for the following reasons.

Independent claim 1 recited, in part, “consisting of **all** commonly accessed OS specific menu items ... **all** commonly accessed AP specific menu items,” where the Office asserted that there was no antecedent basis in the specification. Independent claims 13, 19, and 30 were rejected for similar reasons. Independent claims 1, 13, 19, and 30 have been amended to remove “all” before “commonly accessed” recited features.

The Office also asserted that there was no antecedent basis in the specification in independent claims 13, 19, and 30, which recited in part, “expanding access **only** to other OS specific menu items.” Applicants’ specification at ¶ [48] describes two sections of the start menu. “This first section will have a first subsection that allows the user to launch more commonly accessed operating system specific items and a *second subsection that expands to provide access to all operating system specific functions*. Positioning the pointer over the ‘All’ menu item 602 causes the system to issue a command that calls an additional menu 604 that provides menu items for *all operating system specific functions*. This first section of the start menu provides access *only to operating system specific functions* and does not include

application programs such as those typically installed on the computer subsequent to the installation of the operating system.”

Therefore, there is clear support in Applicants’ specification for reciting, expanding access only to OS specific menu items. Since there is clear support for said recitations, the Office is required to address and consider said features in any outstanding objections or rejections of relevant claims. Applicants respectfully request withdrawal of said rejection of claims 1, 13, 19, and 30.

### **Rejections based on 35 U.S.C. § 103**

Claims 1-2 and 12 were rejected under 35 U.S.C. 103(a) as ostensibly being unpatentable over Microsoft XP operating system (XP). Applicants respectfully traverse said rejection for the following reasons.

Independent claim 1 has been amended to recite, in part, “an operating system (OS) specific function section which *provides access only to OS specific functions*, and comprises a first OS subsection consisting of commonly accessed OS specific menu items of the computer generated GUI.” Support for said amendment can be found, at least in part, in Applicants’ specification at ¶ [48] and Fig. 6a. Independent claim 1 has also been amended to recite, in part, “an application program (AP) specific function section which *provides access only to AP specific functions*, and comprises a first AP subsection *consisting of commonly accessed AP specific menu items* of the computer generated GUI and a *completely separate* second AP subsection that *expands to provide access to all AP specific menu items*.” Support for said amendment can be found, at least in part, in Applicants’ specification at ¶ [49] and Fig. 6b. None of the XP disclosure illustrates an OS section *directed only to OS specific functions*, and none of the XP disclosure illustrates an AP section *directed only to AP specific functions*, and in

which the OS specific function section is *grouped completely separately* from the AP specific function section, as recited by Applicants' amended independent claim 1. Each of the XP disclosures have *combined* OS specific menu items with AP specific menu items.

In addition, independent claim 1 has also been amended to recite, in part, "a second area *separated from the first area*, the second area including an icon selected from a set of icons based on a location of a pointer relative to an associated OS specific menu item, wherein *a subsequent selected icon will replace the selected icon* upon a subsequent location of the pointer relative to a subsequent associated OS specific menu item." Support for said amendment can be found, at least in part, in Applicants' specification at ¶ [40] and Figs. 5a-5d. XP illustrates *multiple icons simultaneously displayed* adjacent to their associated names. In contrast, Applicants' amended independent claim 1 recites a subsequent icon *replacing* the existing icon in the second area.

The Office conceded that XP does not disclose expanding access to only AP specific items. The Office then asserted that it would have been obvious to customize the AP menu to display only application program items to customize in accordance with user preference, and stated that the items in a particular menu can be added, deleted, and sorted (*see OA*, p. 5). However, such an endeavor would require individually adding, deleting, and sorting all of the menu items in addition to reworking the display of said menu items; i.e. it would require undue testing and reworking in order to obtain Applicants' amended independent claim 1. In addition, XP illustrates just *one section* with just *one expanded option*, i.e. "All Programs." In contrast, Applicants' amended independent claim 1 recites *two sections*, an OS section and an AP section *that can be expanded*. XP would require more than simply adding or deleting certain menu items in order to achieve Applicants' amended independent claim 1.

The Office also conceded that it was not considering an OS menu item that expands access only to OS menu items, and an AP menu item that expands access only to AP menu items (*see OA*, p. 23). However, it was previously shown under USC 112 section discussed above, that Applicants have clear antecedent support in the instant application for said claimed features. Therefore, the Office is required to address said recited features, or else allow said amended independent claim 1 and all claims depending there from. Therefore, amended independent claim 1, as well as dependent claims 2 and 12 are allowable over the cited reference of record.

Claims 3-8 and 10-11 were rejected under 35 U.S.C. 103(a) as ostensibly being unpatentable over XP in view of YZ dock. Applicants respectfully traverse said rejection for the following reasons.

Claims 3-8 and 10-11 depend from amended independent claim 1. As discussed above, amended independent claim 1 has been shown to be allowable over the cited reference of XP. YZ dock is directed to special menu item features, such as animation, and does not compensate for the deficiencies of XP in describing or suggesting all recited features of amended independent claim 1. Therefore, claims 3-8 and 10-11 are also allowable over the cited references of record, at least for the same reasons. Applicants respectfully request withdrawal of said rejection and allowance of claims 3-8 and 10-11.

Claim 9 was rejected under 35 U.S.C. 103(a) as ostensibly being unpatentable over XP, and further in view of YZ dock and Rosendahl, et al. (Rosendahl, U.S. Patent No. 5,452,414). Applicants respectfully traverse said rejection for the following reasons.

Claim 9 depends from amended independent claim 1. As discussed above, amended independent claim 1 has been shown to be allowable over the cited reference of XP.

YZ dock is directed to special menu item features, such as animation, and Rosendahl is directed to a three-dimensional rotating icon (*see Rosendahl*, Abstract). Neither YZ dock nor Rosendahl compensate for the deficiencies of XP in describing or suggesting all recited features of amended independent claim 1. Therefore, claim 9 is also allowable over the cited references of record, at least for the same reasons. Applicants respectfully request withdrawal of said rejection and allowance of claim 9.

Claims 13-16 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over XP in view of Gardner, et al. (Gardner, U.S. Patent No. 7,003,734) and in further view of Rosendahl. Applicants respectfully traverse said rejection for the following reasons.

Independent claim 13 has been amended to recite, in part, “the OS section providing access only to OS specific functions, the OS section consisting of commonly accessed OS specific menu items of the GUI and a single OS menu item expanding access only to all OS specific menu items.” Independent claim 13 has also been amended to recite, in part, “the AP section providing access only to AP specific functions, the AP section consisting of commonly accessed AP specific menu items of the GUI and a single AP menu item expanding access only to all AP specific menu items.” Support for said amendment can be found, at least in part, in Applicants’ specification at ¶¶ [48-49] and Figs. 6a and 6b. As discussed above with reference to amended independent claim 1, XP does not describe or suggest two separate sections, where each separate section provides access only to respective OS and AP specific menu items, and where each separate section also expands to all respective OS and AP menu items. Said amended independent claim 1 discussion is incorporated herein in support of amended independent claim 13. Neither Gardner nor Rosendahl compensate for the deficiencies of XP in describing or suggesting all recited features of amended independent claim 13. Therefore,

amended independent claim 13, as well as dependent claims 14-16 and 18, are allowable over the cited references of record. Applicants respectfully request withdrawal of said rejection and allowance of claims 13-16 and 18.

Claims 19-22 and 24 were rejected under 35 U.S.C. 103(a) as ostensibly being unpatentable over XP in view of Gardner. Applicants respectfully traverse said rejection for the following reasons.

Independent claim 19 has been amended to recite, in part,

an operating system (OS) section which provides access **only to OS specific functions**, the OS section comprising a first OS subsection consisting of commonly accessed OS specific menu items of the GUI and a second OS subsection that **expands access only to all OS specific menu items**; and an application program (AP) section which provides access **only to AP specific functions**, the AP section comprising a first AP subsection consisting of commonly accessed AP specific menu items of the GUI and a second AP subsection that expands access **only to all AP specific menu items**. (emphasis added)

As discussed above with reference to amended independent claims 1 and 13, it would not have been obvious to one of ordinary skill in the art to customize the menu options of XP in order to obtain Applicants' OS section containing a commonly accessed OS subsection and an expanded access OS subsection, in addition to Applicants' AP section containing a commonly accessed AP subsection and an expanded access AP subsection. The discussions above pertaining to amended independent claims 1 and 13 are incorporated herein in support of amended independent claim 19. Gardner does not compensate for the deficiencies of XP in describing or suggesting all recited features of amended independent claim 19, thereby placing amended independent claim 19, as well as dependent claims 20-22 and 24 in allowable condition. Applicants respectfully request withdrawal of said rejection and allowance of claims 19-22 and 24.



Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over XP in view of Gardner and further in view of Rosendahl and Viellescaze, et al. (Viellescaze, U.S. Publication No. 2004/0179043 A1). Applicants respectfully traverse said rejection for the following reasons.

Claim 17 depends from amended independent claim 13, which was previously shown to be allowable over the cited references of XP, Gardner, and Rosendahl. Viellescaze is directed to animating a figure (*see Viellescaze*, Abstract) and does not compensate for the deficiencies of XP, Gardner, and Rosendahl in describing or suggesting all recited features of amended independent claim 13. Therefore, dependent claim 17 is also allowable over the cited references of record, at least for the same reasons. Applicants respectfully request withdrawal of said rejection and allowance of claim 17.

Claim 23 was rejected under 35 U.S.C. 103(a) as ostensibly being unpatentable over XP in view of Gardner and in further view of Viellescaze. Applicants respectfully traverse said rejection for the following reasons.

Claim 23 depends from amended independent claim 19. Amended independent claim 19 was previously shown to be allowable over the cited references of XP and Gardner. Viellescaze is directed to animating a figure (*see Viellescaze*, Abstract) and does not compensate for the deficiencies of XP and Gardner in describing or suggesting all recited features of amended independent claim 19. Therefore, dependent claim 23 is also allowable over the cited references of record, at least for the same reasons. Applicants respectfully request withdrawal of said rejection and allowance of claim 23.

Claims 30-31 were rejected under 35 U.S.C. 103(a) as ostensibly being unpatentable over XP in view of Gardner and Rosendahl, and further in view of Edelsbrunner

U.S. Patent No. 5,850,229 B1. Applicants respectfully traverse said rejection for the following reasons.

Independent claim 30 has been amended to recite, in part,

a start menu divided into a compact listing of **discrete sections**, a first discrete operating system (OS) specific function section that provides **access only to OS specific functions** consisting of commonly accessed OS specific menu items of the GUI and a single OS menu item expanding access only to all OS specific menu items, the first discrete OS specific function section grouped separately from a second discrete application program (AP) specific function section that provides access only to AP specific functions consisting of commonly accessed AP specific menu items of the GUI and a single AP menu item expanding access only to all AP specific menu items.

As discussed above with regard to amended independent claims 1, 13, and 19, XP does not describe or suggest separate discrete menu sections, where one is directed to access only OS specific functions and the other is directed to access only AP specific functions. Said discussions regarding amended independent claims 1, 13, and 19 are incorporated herein in support of amended independent claim 30. Gardner, Rosendahl, and Edelsbrunner do not compensate for the deficiencies of XP in describing or suggesting all recited features of amended independent claim 30, thereby placing amended independent claim 30, as well as dependent claim 31, in allowable condition. Therefore, Applicants respectfully request withdrawal of said rejection and allowance of claims 30-31.

### **CONCLUSION**

For at least the reasons stated above, claims 1-24 and 30-31 are now believed to be in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 202-783-8400 or [nberezny@shb.com](mailto:nberezny@shb.com) (such communication via email is herein expressly granted) – to resolve the same.

The fee of \$150 for a one-month extension of time and the fee of \$930 for a Request for Continued Examination are being electronically submitted herewith. It is believed that no other fee is due. However, if that belief is in error, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112 with reference to Attorney Docket Number 306210.01/MFCP.139203.

Respectfully submitted,

/NEMA BEREZNY/

NEMA BEREZNY  
Reg. No. 57,706

JSG/NOB/jc  
SHOOK, HARDY & BACON L.L.P.  
2555 Grand Blvd.  
Kansas City, MO 64108-2613  
816-474-6550